

1 LATHAM & WATKINS LLP
Stephen Stublarec (Bar No. 69451)
2 Paul T. Llewellyn (Bar No. 216887)
505 Montgomery Street, Suite 2000
3 San Francisco, California 94111-6538
Telephone: (415) 391-0600
4 Facsimile: (415) 395-8095
Email: Paul.Llewellyn@lw.com

5 Attorneys for Plaintiff
6 PLANTRONICS, INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 PLANTRONICS, INC., a Delaware
corporation,

13 Plaintiff,

14 v.

15 AMERICAN HOME ASSURANCE
16 COMPANY, a New York corporation; THE
INSURANCE COMPANY OF THE STATE
17 OF PENNSYLVANIA, a Pennsylvania
corporation; ATLANTIC MUTUAL
18 INSURANCE COMPANY, a New York
corporation,

19 Defendants.
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CASE NO. C07-06038 PVT

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE TO NOVEMBER 4, 2008**

(Honorable Patricia V. Trumbull)

STIPULATION

WHEREAS, the complaint was filed on November 29, 2007;

WHEREAS, on November 29, 2007, the Court set an initial case management conference for March 18, 2008;

WHEREAS, on January 31, 2008, plaintiff, Plantronics, Inc. ("Plantronics"), filed a motion to stay the action, pending resolution of underlying litigation currently pending against Plantronics, as to which this action relates;

WHEREAS, concurrently with its motion to stay proceedings, Plantronics filed a motion for an order shortening time on its motion to stay the action, requesting a hearing date on its motion to stay of February 19, 2008;

WHEREAS, on February 1, 2008, this Court denied Plantronics' motion for an order shortening time on its motion to stay the action;

WHEREAS, that order was specifically without prejudice to Plantronics' seeking a stipulated continuance of the scheduling deadlines;

WHEREAS, on February 4, 2008, defendant Atlantic Mutual Insurance Company ("Atlantic Mutual") filed a motion to dismiss plaintiff's complaint, which was set for hearing on March 18, 2008;

WHEREAS, on February 5, 2008, Plantronics re-filed its motion to stay the action, and set the motion for hearing on March 18, 2008;

WHEREAS, on February 12, 2008, the parties filed a stipulation and proposed order continuing the case management conference to April 22, 2008, because they believed it would be more efficient and it would avoid the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to stay and motion to dismiss before the case management conference was held, and before the parties met and conferred regarding initial disclosures, and they filed their Rule 26(f) reports;

WHEREAS, on February 12, 2008, the Court issued an order continuing the case management conference to April 22, 2008, and continuing the associated case scheduling deadlines accordingly;

1 WHEREAS, on March 11, 2008, the Court issued a notice that the hearing on
2 Plantronics' motion to stay and Atlantic Mutual's motion to dismiss had been continued to April
3 8, 2008;

4 WHEREAS, on March 26, 2008, pursuant to a stipulation of the parties, the Court
5 issued an order continuing the case management conference to May 6, 2008, and continuing the
6 associated case scheduling deadlines accordingly;

7 WHEREAS, on April 8, 2008, the Court held a hearing on Plantronics' motion to
8 stay and Atlantic Mutual's motion to dismiss, and took the matters under submission;

9 WHEREAS, on April 21, 2008, pursuant to a stipulation of the parties, the Court
10 issued an order continuing the case management conference to June 17, 2008, and continuing the
11 associated case scheduling deadlines accordingly;

12 WHEREAS, on May 29, 2008, pursuant to a stipulation of the parties, the Court
13 issued an order continuing the case management conference to August 5, 2008, and continuing
14 the associated case scheduling deadlines accordingly;

15 WHEREAS, on July 14, 2008, pursuant to a stipulation of the parties, the Court
16 issued an order continuing the case management conference to September 30, 2008, and
17 continuing the associated case scheduling deadlines

18 WHEREAS, pursuant to the Court's July 14, 2008, order, the parties are to meet
19 and confer regarding initial disclosures by September 9, 2008, and to file their Rule 26(f) reports
20 by September 23, 2008;

21 WHEREAS, the parties agree that it would be more efficient and it would avoid
22 the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to
23 stay and motion to dismiss before the case management conference is held, and before the parties
24 meet and confer regarding initial disclosures, and they file their Rule 26(f) Reports;

25 WHEREAS, the parties agree that the case management conference should be
26 continued to November 4, 2008, and the associated deadlines should be continued accordingly;

27 NOW, THEREFORE, subject to the Court's approval, the parties STIPULATE
28 that the case management conference scheduled for September 30, 2008, be continued to

1 November 4, 2008, and that the associated case scheduling deadlines be continued accordingly.

2 IT IS SO STIPULATED.

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4 Dated: September 4, 2008

LATHAM & WATKINS LLP

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By: Paul Llewellyn
Paul T. Llewellyn
Attorney for Plaintiff
Plantronics, Inc.

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9 Dated: September __, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

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By: _____
Dean A. Pappas
Attorney for Defendant
Atlantic Mutual Insurance Company

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15 Dated: September __, 2008

LEWIS BRISBOIS BISGAARD & SMITH

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By: _____
Timothy Kirk
Attorney for Defendants
American Home Assurance Company and
The Insurance Company of the State of
Pennsylvania

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1 November 4, 2008, and that the associated case scheduling deadlines be continued accordingly.

2 IT IS SO STIPULATED.

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4 Dated: September 4, 2008

LATHAM & WATKINS LLP

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6 By: Paul T. Llewellyn
7 Paul T. Llewellyn
8 Attorney for Plaintiff
9 Plantronics, Inc.

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11 Dated: September 4, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

12 By: Dean A. Pappas
13 Dean A. Pappas
14 Attorney for Defendant
15 Atlantic Mutual Insurance Company

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17 Dated: September __, 2008

LEWIS BRISBOIS BISGAARD & SMITH

18 By: _____
19 Timothy Kirk
20 Attorney for Defendants
21 American Home Assurance Company and
22 The Insurance Company of the State of
23 Pennsylvania

1 November 4, 2008, and that the associated case scheduling deadlines be continued accordingly.

2 IT IS SO STIPULATED.

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4 Dated: September 4, 2008

LATHAM & WATKINS LLP

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By: Paul T. Llewellyn
Paul T. Llewellyn
Attorney for Plaintiff
Plantronics, Inc.

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9 Dated: September __, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

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By: _____
Dean A. Pappas
Attorney for Defendant
Atlantic Mutual Insurance Company

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14

15 Dated: September 4, 2008

LEWIS BRISBOIS BISGAARD & SMITH

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By: Timothy Kirk
Timothy Kirk
Attorney for Defendants
American Home Assurance Company and
The Insurance Company of the State of
Pennsylvania

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ORDER

Pursuant to the above stipulation of the parties, and good cause appearing, IT IS ORDERED that the case management conference scheduled for September 30, 2008, shall be continued to November 4, 2008, and that the associated case scheduling deadlines shall be continued accordingly.

Dated: September __, 2008

Patricia V. Trumbull
United States Magistrate Judge

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